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Dated:

2/23/04

Signature:

  
(Christa Carter)

Docket No.: 416272003900  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Marc K. HELLERSTEIN

Application No.: Not Yet Assigned

Confirmation No.: Not Yet Assigned

Filed: Concurrently Herewith

Art Unit: Not Yet Assigned

For: METHODS FOR MEASURING RATES OF  
REVERSE CHOLESTEROL TRANSPORT IN  
VIVO, AS AN INDEX OF ANTI-  
ATHEROGENESIS

Examiner: Not Yet Assigned

**PETITION TO MAKE SPECIAL  
UNDER 37 CFR 1.102(d)**

MS PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

01/04/2005 L L AND GRA 00000051 031952 10519121

Dear Sir:

05 FC:1464 130.00 DA

Submitted herewith is a Petition to Make Special the above-identified patent application.

In support of this petition, the applicants submit the following statements as required by MPEP 708.02 XII. (A)-(C):

(A) Small entity status has been established for this application. The present application is assigned to the University of California. A copy of the assignment is enclosed. The present application is, in turn, licensed exclusively to KineMed, Inc., a California corporation entitled to small entity status. Because the application is subject to an exclusive license, KineMed, Inc. is the effective applicant in this case.

(B) The subject of the patent application is a major asset of KineMed, Inc.

(C) The development of the technology set forth in the application, which is critical to KineMed, Inc. and which is of general significance to biotechnology, will be significantly impaired if examination of the patent application is delayed. As a basis for making this statement, applicant provides the following explanation. KineMed, Inc. is a small biotechnology company with limited financial resources. The subject matter of the present application is important as a basis for raising funds that are necessary to support the ongoing research and development activities of KineMed, Inc. In order for investors to invest funds, particularly in small entity biotechnology companies, they will wish to see that important subject matter such as that disclosed in this application is progressing rapidly through the patenting process.

Accordingly, applicant requests that this Petition to Make Special be granted and the application undergo accelerated examination.

**Please charge our Deposit Account No. 03-1952 in the amount of \$130.00** covering the fee set forth in 37 CFR 1.17(h). The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 03-1952, under Order No. 416272003900. A duplicate copy of this paper is enclosed.

Dated: December 23, 2004

Respectfully submitted,

By Michael R. Ward

Michael R. Ward

Registration No.: 38,651

MORRISON & FOERSTER LLP

425 Market Street

San Francisco, California 94105

(415) 268-6237

<b>PETITION FEE</b> <b>Under 37 CFR 1.17(f), (g) &amp; (h)</b> <b>TRANSMITTAL</b> (Fees are subject to annual revision)  Send completed form to: Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450	Application Number	Not Yet Assigned
	Filing Date	Concurrently Herewith
	First Named Inventor	Marc K. HELLERSTEIN
	Art Unit	Not Yet Assigned
	Examiner Name	Not Yet Assigned
	Attorney Docket Number	416272003900

Enclosed is a petition filed under 37 CFR 1.17(h) that requires a processing fee (37 CFR 1.17(f), (g), or (h)). Payment of \$ 130.00 is enclosed.

This form should be included with the above-mentioned petition and faxed or mailed to the Office using the appropriate Mail Stop (e.g., Mail Stop Petition), if applicable. For transmittal of processing fees under 37 CFR 1.17(i), see form PTO/SB/17i.

**Payment of Fees** (small entity amounts are NOT available for the petition fees).

- ☒ The Commissioner is hereby authorized to charge the following fees to Deposit Account No. 03-1952 :  
☒ Petition fee under 37 CFR 1.17(f), (g) or (h) ☒ Any deficiency of fees and credit of any overpayments  
Enclose a duplicative copy of this form for fee processing.  
☐ Check in the amount of \$ \_\_\_\_\_ is enclosed.  
☐ Payment by credit card (Form PTO-2038 or equivalent enclosed). Do not provide credit card information on this form.

**Petition Fees under 37 CFR 1.17(f): Fee \$400 Fee Code 1462**

For petitions filed under:

- § 1.53(e) – to accord a filing date.
- § 1.57(a) – to accord a filing date.
- § 1.182 – for decision on a question not specifically provided for.
- § 1.183 – to suspend the rules.
- § 1.378(e) – for reconsideration of decision on petition refusing to accept delayed payment of maintenance fee in an expired patent.
- § 1.741(b) – to accord a filing date to an application under § 1.740 for extension of a patent term.

**Petition Fees under 37 CFR 1.17(g): Fee \$200 Fee Code 1463**

For petitions filed under:

- § 1.12 – for access to an assignment record.
- § 1.14 – for access to an application.
- § 1.47 – for filing by other than all the inventors or a person not the inventor.
- § 1.59 – for expungement of information.
- § 1.103(a) – to suspend action in an application.
- § 1.136(b) – for review of a request for extension of time when the provisions of section 1.136(a) are not available.
- § 1.295 – for review of refusal to publish a statutory invention registration.
- § 1.296 – to withdraw a request for publication of a statutory invention registration filed on or after the date the notice of intent to publish issued.
- § 1.377 – for review of decision refusing to accept and record payment of a maintenance fee filed prior to expiration of a patent.
- § 1.550(c) – for patent owner requests for extension of time in *ex parte* reexamination proceedings.
- § 1.956 – for patent owner requests for extension of time in *inter partes* reexamination proceedings.
- § 5.12 – for expedited handling of a foreign filing license.
- § 5.15 – for changing the scope of a license.
- § 5.25 – for retroactive license.

**Petition Fees under 37 CFR 1.17(h): Fee \$130 Fee Code 1464**

For petitions filed under:

- § 1.19(g) – to request documents in a form other than that provided in this part.
- § 1.84 – for accepting color drawings or photographs.
- § 1.91 – for entry of a model or exhibit.
- § 1.102(d) – to make an application special.
- § 1.138(c) – to expressly abandon an application to avoid publication.
- § 1.313 – to withdraw an application from issue.
- § 1.314 – to defer issuance of a patent.

Michael R Ward  
Signature

12/23/04  
Date

Michael R. Ward  
Typed or printed name

38,651  
Registration No., if applicable

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Dated: Dec. 23, 2004 Signature: Christa Carter (Christa Carter)